

carry out provisions of the National Security Act of 1947, as amended, and safeguarded under applicable Executive orders as “National Security Information.”

(w) *Unscheduled records* means Federal records whose final disposition has not been approved by NARA. All records that fall under a NARA approved records control schedule are considered to be scheduled records.

PART 2003—INTERAGENCY SECURITY CLASSIFICATION APPEALS PANEL (ISCAP) BYLAWS, RULES, AND APPEAL PROCEDURES

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SOURCE: 77 FR 40261, July 9, 2012, unless otherwise noted.

Subpart A—Bylaws

§ 2003.1 Purpose (Article I).

The Interagency Security Classification Appeals Panel (hereafter “ISCAP” or “the Panel”) advises and assists the President in the discharge of his constitutional and discretionary authority to protect the national security of the United States.

§ 2003.2 Authority (Article II).

ISCAP was established by, and receives its authority from, Executive Order 13526 “Classified National Security Information” (hereafter the “Order”), December 29, 2009, section 5.3(a)(1), and the Order’s implementing directives. Section 5.3(c) of the Order directs ISCAP to issue bylaws, rules, and procedures and to publish them in the FEDERAL REGISTER.

§ 2003.3 Functions (Article III).

In carrying out its purpose, the Panel:

(a) Decides appeals by people who have filed classification challenges under section 1.8 of the Order;

(b) Approves, denies, or amends agency exemptions from automatic declassification under section 3.3 of the Order;

(c) Decides appeals by people or entities who have filed requests for mandatory declassification review under section 3.5 of the Order; and

(d) Informs senior agency officials and the public, as appropriate, of final Panel decisions on appeals under sections 1.8 and 3.5 of the Order.

§ 2003.4 Membership (Article IV).

(a) *Member organizations and members.*

(1) The Departments of State, Defense, and Justice, the National Archives and Records Administration, the Office of the Director of National Intelligence, and the National Security Advisor each have a member on the Panel.

(2) Additionally, the Director of the Central Intelligence Agency may appoint a temporary representative, who meets the member criteria, to participate as a voting member in all Panel deliberations and associated support activities concerning classified information originated by the Central Intelligence Agency.

(b) *Alternate member.* Each member organization also designates in writing an alternate, or alternates, to represent it on all occasions when the primary member is unable to participate. When serving for a primary member, an alternate assumes all the rights and responsibilities of that primary member, including voting. The alternate

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member must meet the member criteria. The member organization head, or the organization's deputy or senior agency official for the Order, makes the written designation of an alternate, addressed to the ISCAP Chair.

(c) *Selection criteria for member.*

(1) Members must be senior-level agency Federal officials or employees, full-time or permanent part-time, and must be designated to serve as a member on the Panel by the respective agency head.

(2) Panel members must meet security access criteria in order to fulfill the Panel's functions.

(d) *Member vacancies.* Vacancies among the primary members must be filled as quickly as possible. The Chair, working through the Executive Secretary, takes all appropriate measures to encourage the organization to fill the vacancy quickly. In the interim, the organization's designated alternate serves as its member.

(e) *Liaisons.* Each member organization also designates in writing an individual or individuals (hereafter "liaisons") to serve as liaison to the Executive Secretary in support of the primary member and alternate(s). The liaisons meet at the call of the Executive Secretary. The agency head, or the deputy or senior agency official for the Order, makes the written designation, addressed to the ISCAP Chair.

(f) *Chair.* The President of the United States selects the Chair from among the primary members.

(g) *Vice Chair.* The members may elect from among the primary members a Vice Chair who:

(1) Chairs meetings that the Chair is unable to attend; and

(2) Serves as Acting Chair during a vacancy in the Chair of the ISCAP.

(h) *Executive Secretary.* The Director of the Information Security Oversight Office (ISOO), National Archives and Records Administration, is the Executive Secretary of the Panel and oversees the Panel's support staff.

§ 2003.5 Meetings (Article V).

(a) *Purpose.* The primary purpose of ISCAP meetings is to discuss and bring formal resolution to matters before the Panel and carry out the functions list-

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ed in § 2003.3, Article III, of these by-laws.

(b) *Frequency.* The Panel meets at the call of the Chair, who schedules meetings as necessary for the Panel to fulfill its functions in a timely manner. The Chair also convenes the ISCAP when requested by a majority of its member organizations.

(c) *Quorum.* Panel meetings may be held only when a quorum is present. For this purpose, a quorum requires the presence of at least five primary or alternate members.

(d) *Attendance.* As determined by the Chair, attendance at Panel meetings is limited to only the people necessary for the Panel to fulfill its functions in a complete and timely manner. The members may arrange briefings by substantive experts from individual departments or agencies, after consultation with the Chair.

(e) *Agenda.* The Chair establishes the agenda for all meetings. Any member or the Executive Secretary may submit potential items for the agenda. Acting through the Executive Secretary, the Chair distributes the agenda and supporting materials to the members as soon as possible before a scheduled meeting.

(f) *Minutes.* The Executive Secretary and staff prepare each meeting's minutes, and distribute draft minutes to each member. The minutes include a record of the members present at the meeting and the result of each vote. At each Panel meeting, the Chair reads or references the previous meeting's draft minutes. At that time the minutes are corrected, as necessary, approved by the membership, and certified by the Chair. The approved minutes are maintained among the Panel's records.

§ 2003.6 Voting (Article VI).

(a) *Motions.* When the Panel is required to make a decision or recommendation to resolve a matter before it, the Chair requests or accepts a motion for a vote. Any member, including the Chair, may make a motion for a vote. No second is required to bring any motion to a vote. A quorum must be present when a vote is taken.